

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JTH TAX LLC (d/b/a LIBERTY TAX SERVICE) and SIEMPRETAX+ LLC,

Plaintiffs,

V.

LORRAINE MCHUGH, RICHARD  
O'BRIEN, and KVC ENTERPRISES LLC,

## Defendants.

Case No. C20-329RSM

ORDER DENYING MOTION TO  
CONTINUE DEADLINE FOR RESPONSE  
TO MOTION FOR SUMMARY  
JUDGMENT

## Defendants:

This matter comes before the Court on Defendants' Motion to Continue Deadline for Response to Motion for Summary Judgment. Dkt. #70. Plaintiff SiempreTax+ LLC filed a Motion for Partial Summary Judgment on June 4, 2021. Dkt. #67. Plaintiff's Motion was noted for consideration on July 2, 2021, making the response brief due on June 28. LCR 7(d)(3). On July 2, 2021, Defendants filed the instant Motion, a single page, requesting "a continuance of 21 days from today's date to respond to Plaintiff's motion." Dkt. #70 at 1. Defendants state, "[o]ver the course of the last month, Plaintiff's [sic] counsel has been in intensive preparation for two back-to-back jury trials in King County Superior Court..." and that "[t]he preparation and execution periods for these two trials has been intensive, and has overlapped with

ORDER DENYING MOTION TO CONTINUE DEADLINE FOR RESPONSE TO MOTION  
FOR SUMMARY JUDGMENT - 1

1 Defendant's response period for the present Motion for Summary Judgment." *Id.* There is no  
2 attached declaration.

3 This is not Defendants' first time failing to respond to a Motion in this case, and the  
4 Court has previously warned Defendants on this topic. *See* Dkt. #66 at 3 ("Defendants have  
5 played a dangerous game in failing to file an opposition brief.").

6 "A motion for relief from a deadline should, whenever possible, be filed sufficiently in  
7 advance of the deadline to allow the court to rule on the motion prior to the deadline." LCR  
8 7(j). Parties should not assume that the motion will be granted and must comply with the  
9 existing deadline unless the court orders otherwise." *Id.*

10 The Court finds that it can rule on the instant Motion without waiting for responsive  
11 briefing. Defendants do not even attempt to set forth good cause for failing to file the instant  
12 Motion in advance of the deadline at issue. Defendants also fail to set forth good cause for  
13 granting the requested relief. Defendants' one or two sentences about being busy with other  
14 legal matters, with no attached declaration, fails to adequately explain the situation and instead  
15 demonstrates a lack of care in this matter.

16 Given all of the above, and having reviewed the relevant briefing and the remainder of  
17 the record, the Court hereby finds and ORDERS that Defendants' Motion to Continue Deadline  
18 for Response to Motion for Summary Judgment, Dkt. #70, is DENIED.

19  
20  
21  
22 DATED this 6<sup>th</sup> day of July, 2021.

23  
24  
25  
26  
27  
28 

RICARDO S. MARTINEZ  
CHIEF UNITED STATES DISTRICT JUDGE